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PATENT COOPERATION TREATY

PCT/FR2003/003758



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B0210	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003758	International filing date (day/month/year) 17 décembre 2003 (17.12.2003)	Priority date (day/month/year) 23 décembre 2002 (23.12.2002)
International Patent Classification (IPC) or national classification and IPC B29C 49/64, 49/78, 49/46		
Applicant SIDEL		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 03 juin 2004 (03.06.2004)	Date of completion of this report 01 March 2005 (01.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
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## I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-25, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-33, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1/4, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	13, 14, 16-18, 29, 30	YES
	Claims	1-12, 15, 19-21, 22-28, 30-33	NO
Inventive step (IS)	Claims		YES
	Claims	1-33	NO
Industrial applicability (IA)	Claims	1-33	YES
	Claims		NO

## 2. Citations and explanations

Reference is made to the following documents:

D1: US 2002/062161 A1

D2: FR-A-1 321 809

D4: DE 34 06 986 A

The following document has not been cited in the international search report:

D3: DE2502170 A

1. The application relates to a method and a facility for manufacturing a plastic container.
2. D1 is considered to be the prior art closest to the subject matter of claims 1 to 33.
3. The document in question describes the following features of claim 1 (the references between parentheses apply to said document):
  - A method for manufacturing a plastic container 3 (figure 2), whereby at least certain areas of a preform 3 (figure 1: given that body 3 does not have its final shape, it is considered to be a preform) of the container are heat conditioned so that the temperature of said areas exceeds the glass transition temperature of the constituent materials

thereof, and a fluid is injected into the preform to cause it to expand and take on the shape of a container (see paragraphs 48 and 49);

- Said method consists in causing said areas of the preform to expand freely, i.e. without the presence of a mould, and controlling at least one fluid injection parameter to arrive at the final container (see figures 1 and 2; paragraphs 47 to 49).

D2 also describes the features of claim 1 (see figures; column 1, paragraph 4: as in D1, plastic tube 2 does not have its final shape and is therefore considered to be a preform).

Consequently, the subject matter of claim 1 is not novel (PCT Article 33(2)).

4. Taking D1 and D2 into account, the additional features disclosed in claims 2 to 12, 15 and 19 to 21 are already known (PCT Article 33(2)) or are a commonplace technical step to a person skilled in the art and consequently do not involve an inventive step (PCT Article 33(3)).
5. The subject matter of claim 13 differs from that of D1 in that the container is intended to be filled by means of a liquid after its manufacture, in such a way that, while maintaining a residual gas pressure inside the container as the latter is formed, the container is immediately filled with a liquid subjected to a gas pressure at least equivalent to the residual pressure inside the container.

The problem that the present invention is intended to solve can therefore be considered to be that of immediately filling products formed by blowing.

To a person skilled in the art, this problem is

obvious, since all containers must be filled and the advantage of carrying out the operation in the same machine is known. Such a person would seek a solution to the problem in the prior art.

A solution to the problem is found in D3. Said document describes a method for manufacturing a plastic container according to which the container is intended to be filled with a liquid after it has been manufactured, in such a way that, while maintaining a residual gas pressure inside the container as the latter is formed, the container is immediately filled with a liquid subjected to a gas pressure at least equivalent to the residual pressure inside the container (see claim 1 and figures).

It is obvious for a person skilled in the art to apply these features, with a corresponding effect, in a method according to D1 and thereby obtain a method according to claim 13.

Consequently, the subject matter of claim 13 does not involve an inventive step (PCT Article 33(3)).

6. Taking D1 and D3 into account, the features disclosed in claim 14 are a commonplace technical step to a person skilled in the art. Consequently, the subject matter of said claim does not involve an inventive step (PCT Article 33(3)).
7. In the light of D3 and D4, the features disclosed in claims 16 to 18 do not involve an inventive step (PCT Article 33(3)).
8. D1 also describes the following features (the references between parentheses apply to said document):
  - A container manufacturing facility including a heat-

conditioning unit for at least one preform and an expansion unit with at least one expansion device for expanding said at least one preform; said expansion device is combined with a source of fluid for expanding the preform by injecting said fluid, and comprises means for sealingly isolating the inside of the preform from the external environment and means for making the inside of the preform communicate with said source of fluid to cause the preform to expand (see figures 1 and 2: given that body 3 does not have its final shape, it is considered to be a preform; in any case, the preform is not part of the facility and therefore cannot be considered to be a technical feature),

- The expansion unit enables the free expansion of at least certain of said areas of the preform, and comprises a control unit for controlling the expansion of the preform with a view to obtaining the final container (see figures 1 and 2; paragraph 47).

D2 also discloses the above features (see figures; column 1, paragraph 2 to paragraph 4: as in D1, plastic tube 2 does not have its final shape and is therefore considered to be a preform; in any case, the preform is not part of the facility and therefore cannot be considered to be a technical feature).

Consequently, the subject matter of claim 22 is not novel (PCT Article 33(2)).

9. Taking D1 and D2 into account, the additional features disclosed in claims 23 to 28 and 31 to 33 are already known (PCT Article 33(2)) or are a commonplace technical step to a person skilled in the art and consequently do not involve an inventive step (PCT Article 33(3)).

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10. The subject matter of claim 29 differs from that of D1 by virtue of the same features as the subject matter of claim 13. Consequently and for the same reasons, the subject matter of claim 29 does not involve an inventive step (PCT Article 33(3)).
11. Taking D1, D3 and D4 into account, the features disclosed in claim 30 are a commonplace technical step to a person skilled in the art and consequently do not involve an inventive step (PCT Article 33(3)).
12. Claims 1 to 33 meet the PCT requirements of industrial applicability (PCT Article 33(4)).
13. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1 to D4 has not been indicated in the description, nor have said documents been cited.